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**Time of Death**

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# **Time of Death**

By

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## **Report**

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# **Time of Death**

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Brooks County, home of the busiest immigration checkpoint in the U.S., is also in the middle of the biggest human rights crises facing the United States. However, because of the county's location 70 miles north of the border, it receives no federal funding to deal with the massive wave of immigrant deaths. Eduardo Canales, director of the South Texas Human Rights Center, is waging a lonely battle to curb the escalating number of immigrant deaths and save the county money by convincing members of the community to provide water for people dying of thirst.

## Table of Contents

Body .....	1
Bibliography .....	10

“Bella” never dreamed she would leave Guatemala, but “I was raped, threatened with death, I have to make a rapid decision and tell my daughters; you have to be strong, because mommy is leaving,” she said. Bella’s identity is being protected because her asylum case is pending. Bella paid the coyote (guide) to take her to the U.S. with the deed to her land. During her journey through the desert, Bella was injured and ran out of water. Border Patrol apprehended her. She is one of the lucky ones.

Since the mid-‘90s the U.S. has increasingly militarized the border causing migrants to search for new paths, and Brooks County, one of the poorest in Texas, has become the new ground Zero.

In 2012, more than half of all the bodies found along the U.S. Mexico border were in Texas. Of those 463 bodies, 129 surfaced in Brooks County, more than any other county in the nation.

The rationale behind this documentary is to expose the effort to save lives in in what Lavoyger Durham, the manager of El Tule Ranch, calls “the killing fields of Brooks County.”

Recently, Brooks County has received more media attention, because of the increasing humanitarian crisis on the border. As local and national politicians look to the county’s residents to help write new immigration policy, the Border Volunteers, a Minute-Men Militia spin-off group that partners with wealthy ranch owners and law enforcement in tracking and detaining immigrants, has received the most media coverage.

In the current, volatile immigration situation, as the immigration debate resurfaces on the national agenda and members of the Left and Right encourage the Obama administration to push for immigration reform, it is important to reflect on the experiences of people working on the humanitarian effort at ground Zero. This documentary seeks to personalize the plight of immigrants in Texas and help voters make informed choices on future immigration policy.

Central Americans, seeking a shorter, more direct path to the U.S. are crossing at the remote areas of the Texas border. Brooks County, 70 miles north of the border, is now home to the busiest immigration checkpoint in the U.S. Activists say immigrants attempt to skirt the checkpoint through the surrounding desert, through dense brush, where many lose their way, run out of water and food and die from heat exhaustion.

Unauthorized immigration has been on the decline since the recession in 2007, according the Pew Research Hispanic trends project, a nonpartisan fact tank. However, the past few years, immigration from Guatemala, Honduras and El Salvador is on the rise, according to Border Patrol apprehension statistics.

Brooks County receives no federal assistance for helping to prevent immigrant deaths or to process the deceased, says County Judge Raul Ramirez. Because border-crosser deaths fall under the jurisdiction of the county; the combined cost of medical care, autopsies, DNA testing, body bags, and pay for county officials has seriously affected the budget, “we’re left to foot the bill,” he says.

This documentary focuses on the people of Brooks County who are responding to the humanitarian crisis. It follows Eduardo Canales, a retired union labor organizer, who is now director of the South Texas Human Rights Center in Brooks County. Canales is staging a David and Goliath battle to convince ranch owners, many of them corporate, to become involved by putting up water stations on their land. He hopes that this simple step will help sensitize the ranchers to the plight of immigrants, will help save immigrant lives and thereby save the county money. The documentary highlights the extent to which the community has tried to mitigate but has also been complicit in the escalating rate of death.

The main obstacle Canales encounters in his quest to provide water is property law. About 97% of Texas is private land, according to the Texas General Land Office. Private land, in the past decade, has become the place where immigrants die. “At least 50 ranches in Brooks County have found one or more

human remains on their land,” says Canales, who must ask permission from landowners to enter their property and set up water stations.

The South Texas Human Rights Center, directed by Canales, has two major roles. The first is to prevent deaths by working with private landowners to distribute water stations: blue plastic 55-gallon drums filled with gallon jugs of water, equipped with bright flags and spray-painted with the letters ‘A-G-U-A’ (water). The second role is to help identify the remains of immigrants who have perished in the desert.

While the human rights center has been up and operating since 2012, the number of water stations at the beginning of the 2014 summer was still in the teens. Canales suggests rancher hesitancy can be blamed on several factors and questions whether it is politics or racial perspectives motivating the resistance. “We are talking about changing hearts and minds,” Canales says, “(immigrants) are forced to travel in that area but should not suffer those consequences.”

Brooks County has a long history with immigrants; the land where the county is located originally belonged to Mexico, later Mexican Cowboys helped established many of the ranches that hold claim to most of South Texas. Later, migrants worked the agricultural fields.

Falfurrias, the Brooks County Seat, which was once prosperous, began to change after an oil boom dried up in the ‘70s and it has been on a steady decline ever since. Ramirez, the county judge, says the county also has extreme wealth. When agriculture revenue changed along with urban migration, many of the private landowners turned from cattle to exotic hunting, often reorganizing ranches into corporations, with owners residing in other parts of Texas and outside of the state. These ranches rely on money from politicians and Northerners who fly in for the pricey exotic hunting experience. The immigrants, who are no longer needed to work the land, have now become nuisances.



Another effect of the militarization of the border is unidentified remains. The county, lacking the resources to process the dead, buried the recovered remains at the local Sacred Heart Cemetery. Visitors to the gravesite find the burial grounds for unidentified remains in piecemeal sections, immigrants are identified by flimsy aluminum signs reading "unknown," "unidentified female." Other signposts carry just the letter "A" and a series of eight or nine fading numbers, representing the alien registration number assigned to immigrants by the Department of Homeland Security.

A group of forensics students from Baylor University and Indiana University have volunteered their time, with equipment donated by the universities, for the past two summers, to disinter the remains so that the bodies can be identified.

Once the remains have traceable DNA information, the remains can be connected with the families and countries of origin. The work intensive process is meant to transform these invisible bodies to the status of human beings in the minds of U.S. citizens and the rest of the world, explains Canales, who says the lack of identification contributes to the human rights crises going underreported.

Once the identities are determined, the economic responsibility and the associated costs fall on the country of origin and families, according to County Judge Raul Ramirez.

The deaths of immigrants in Brooks County can be traced back to several key political moments in U.S. immigration policy; first, the militarization of the border, second, the North American Free Trade Agreement and third, the September 11, 2001 terrorist attacks.

First, in 1994, the Border Patrol established a multibillion-dollar border security 'prevention-through-deterrence' program the government increased the number of Border Patrol agents and added more high tech surveillance and defense technologies primarily at urban checkpoints, according to a report on migrant deaths issued by Christine Kovic an Associate Professor from the University of

Houston in collaboration with Prevention of Migrant Deaths Working Group of Houston.

Second, the same year the border was militarized the North American Free Trade Agreement was enacted which led to an increase in Northern migration out of rural Mexico and Central America, according to Kovic. With NAFTA, the U.S. globalized the movement of goods, while it clamped down on the borders and criminalized the movement of labor.

Now, 20 years after NAFTA, immigrant deaths have more than doubled, most from thirst, exposure or dysentery, according to the U.S. Government Accountability Office. The border patrol reports that between 1998 and 2013, in the Southwest Border Sector alone, more than 6,000 immigrants have died. Activists believe the numbers are much higher. "It is not the case that more migrants are dying because more are attempting to cross," Kovic writes, "to the contrary...a much higher proportion of those who cross are perishing."

Lastly, at the Sheriff's office, which is the first line of defense against undocumented immigrants after the Border Patrol, Urbino "Benny" Martinez, the Brooks County Sheriff's Deputy, says that following the September 11 terrorist attacks, "All of a sudden there's no more 'terrorists' and we'd created this huge monster they call the DHS, Department of Homeland Security, now who are they going to arrest? They turned around to those who are not documented." He's seen it first hand working in Brooks County, where, he says the majority of immigrants who are detained by Border Patrol are non-violent immigrants with no criminal records. "I can tell the difference between an immigrant and a criminal...we need to be going after the real criminals, those are the guys making the money," he says.

On the other hand, the Texas Border Volunteers, a volunteer group of anti-immigrant activists who assist the Border Patrol in detaining undocumented immigrants, argue that there should be more enforcement. The one thing both sides can agree on is that Brooks County suffers from a lack of resources. Jim Gibson, the

Border Volunteers spokesman says, “I don’t see at present, any concerted effort on any politicians part to deal with what’s going on down here.”

Along with the militarization of the borders that started in the ‘90s, “the U.S. made a monumental shift in immigration policy to use (privatized) detention as a primary means of enforcement,” according to Texans United for Families, a network of immigration activists. Whereas, Brooks County receives no federal funding for immigration enforcement, the for-profit prison system receives billions of tax dollars annually to house immigrants in detention for mostly non-violent misdemeanors, according to the American Civil Liberties Union (ACLU).

Immigrants come to the U.S. for many reasons; in search of jobs, in search of family and, according to the United Nations, many are fleeing “high levels of violence perpetuated by illegal non-state actors (gangs).”

One such asylum seeker, Bella, from Guatemala, is the voice of the immigrants in the documentary. Asylum seekers are people who are claiming refugee status, but have not yet been approved. For this growing population of immigrants, there is no other option to apply for asylum other than entering the country unlawfully, according to the Department of Homeland Security.

For “Bella,” from Guatemala, her journey to the U.S. has been an enormous nightmare, “my life has changed, stress, cholesterol, diabetes...my daughters, they tell me, come back soon before you get sick, Mommy,” she says, “I tell them I’m scared to go back.”

After Border Patrol apprehended Bella, one of more than 200,000 immigrants apprehended in 2013, for entering Texas illegally, according to Border Patrol statistics, Bella was transferred from South Texas to the T.Don Hutto Residential Center, in Taylor, Texas.

Taylor, another small town, is located 280 miles north of Brooks County. The detention center, named after one of the three founders of the Corrections Corporation of America, started as a medium-security state prison that did not have

enough inmates and was closed and sold to CCA in the late '90s, it reopened in 2006 to hold immigrant families. After a civil suit, brought by the ACLU, protested the treatment of families and children in the facility, CCA transformed the detention center into an all female facility.

None of the women housed at the T. Don Hutto detention facility has been charged with offenses other than 'illegal entry,' a civil rather than criminal offense; the difference between going to prison for failing to pay your water bill and going to prison for murdering your landlord.

Jose Orta, a local Taylor activist and member of the League of United Latin American Citizens, says the town refuses to close the prison facility, because of the economic benefits. Even though, Orta adds, "because of the education requirements, most of the people employed at the prison aren't even from Taylor."

Private prisons are private-companies hired by the government to oversee the incarceration of individuals. The companies are paid a per-diem for each prisoner. The private prison trend started in the mid-'80s. According to CCA's 2013 annual report, one of the company's competitive strengths is that "We pioneered modern day private prisons... the first company to manage a private-maximum security prison with a government contract." CCA is now the largest private prison company in the world.

In 2005, the U.S. ended the practice of "catch-and-release," opting to "detain versus releasing aliens increased the demand for detention bedspace," according to the DHS Office of Inspector General. Additionally, in 2009, Senator Robert Byrd, a West Virginia Democrat, inserted a change to Homeland Security's budget, requiring federal immigration officials to operate under a statutory quota for holding immigrants behind bars, according to a 2013 article in Bloomberg, the "bed mandate" approved cash incentives for detaining 35,000 immigrants a day, costing taxpayers about \$2 billion annually. The Congressional "bed-mandate" guarantees the detention centers are always busy. According to the National Immigration

forum, and immigrant advocacy organization, the mandate guarantees private prisons receive an average of \$160 per-person per-day.

Ironically, detainees housed in the prisons, who are denied the right to work in the U.S., are employed in detention facilities as manual laborers. At the T Don Hutto facility, that houses 300 single women, immigrants work long hours in exchange for wages of around \$3.00 per day. "Claudia" who was in the U.S. fleeing gang violence in Honduras, said it took her a week of work in the kitchen just to pay for a phone card. Her name is being protected because of her asylum case.

Private prison companies spend millions lobbying for immigration policies that criminalize immigrants, helping to funnel immigrants into their prisons, according to the Justice Policy Institute, a non-profit that advocates for justice reform. The lobbying efforts of the private prison industry have been successful; the private-prison industry expanded "approximately 1600% between 1990 and 2009," according to the ACLU.

According to the ACLU, the U.S. imprisons more people than any other country in the world and immigrants are the fastest growing incarcerated population in the U.S. Immigration advocates say the U.S.'s 'criminalization of immigrants,' echoes the criminalization of blacks during "the war on drugs."

After several months in detention, Bella was released to a shelter for immigrants. Alternatives to detention require the good faith of immigration judges who have to sign-off on the release of immigrants from detention. Advocates argue if the bed-mandate was overturned judges would be much more likely to release immigrants to detention alternatives, which advocates say cost less than detention.

"We're at a crossroads in this country in terms of how we evolve," says Eduardo Canales, of the South Texas Human Rights Center. "How do we evolve as a society that is somewhat more open and much more welcoming, because you want the labor on all levels ... but under what conditions?"

*Production notes:* This documentary was researched and shot over six months. I met Canales at an orientation for detention visitation conducted by Grassroots Leadership. Canales later agreed to let me interview and follow him around Brooks County. The sit-down and background interviews were completed in Brooks County, Austin, and Taylor, Texas. Some interviews were also conducted over the phone. The T.Don Hutto detention facility was visited, and while none of the interviews were recorded because of rules at the facility, research was done in informal interviews with several of the women housed at the facility and follow-ups were done after the women were released. In addition to the footage included in the film, multiple community meetings, forums, protests and vigils were attended.

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